

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-721

Appellant(s): Anthony Metrano

vs.

Appellee(s): City of Yarmouthport
Kenn Bates

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 7th Edition 780 CMR 5305.1 for 58 Barnacle Road, Yarmouthport, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on March 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

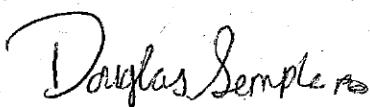
The Appellant was represented by Dan Walsh of Owens Corning appeared and testified for the hearing.

Discussion

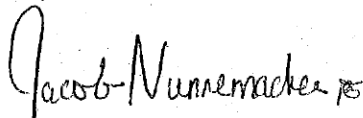
A motion was made to grant the Appellant's request for a variance from the 7th Edition of 780 CMR 5305.1 based on the exhibits and testimony that was presented which noted that the requested basement ceiling height clearance of 6-feet 7-inches is only an inch shy of the current requirement. The motion further requires the addition of a smoke detector in the basement office. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

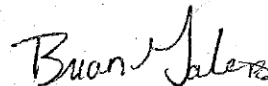
The Appellant's request for a variance from the 7th Edition 780 CMR 5305.1 is hereby granted as described in the discussion above and so ordered² on this date: March 24, 2009.



Douglas Semple



Jacob Nunnemacher



Brian Gale

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.